

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**HOUSE**

Tuesday, April 23, 1985

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Cherukara V. Thomas, Calvary United Methodist Church, Lewiston. Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Improve Delivery of Child Protective Services" (S.P. 506) (L.D. 1366)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning Golf Course Employees as Nonseasonal Employees Under the Employment Security Law" (S.P. 507) (L.D. 1367)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in Concurrence.

RESOLVE, Authorizing Clayton, Maryann, Jeremy and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County (S.P. 508) (L.D. 1368)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on Education on Bill "An Act Establishing a Pilot Project to Provide Liaison to Families of Children with Special Needs Within the Department of Educational and Cultural Services" (S.P. 131) (L.D. 371) reporting "Ought to Pass" in New Draft (S.P. 503) (L.D. 1363)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

**Messages and Documents**

The following Communication:  
MAINE DEPARTMENT OF AGRICULTURE,  
FOOD AND RURAL RESOURCES  
State House Station 28  
Augusta, Maine 04333

April 17, 1985

The Honorable John L. Martin  
Speaker, Maine House of Representatives  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

This 1985 report to the Maine State Legislature is submitted in response to legislation enacted in 1975 (P.L. c. 584; 7 MRSA section 2, subsection 5). That law requires the Commissioner of Agriculture, Food and Rural Resources to annually recommend "methods of stimulating and encouraging the growth and modernization of agricultural enterprises in this State." Given the serious problems and major changes facing agriculture nationally, this charge to maintain and expand agriculture in Maine will be particularly challenging in the years to come.

During the past year, the Department of Agriculture, Food and Rural Resources has been implementing a number of new programs designed to deal with many of the needs and problems confronting Maine Agriculture. In this report, we review recent accomplishments and describe the new initiatives we believe are necessary for the future.

Working together, farmers, agricultural leaders, the Department and members of the

Maine State Legislature can meet today's challenges and use them to strengthen future prospects for agriculture in Maine. I look forward to that cooperative effort.

Sincerely,  
S/ STEWART N. SMITH  
Commissioner

Was read and with accompanying report ordered placed in file.

The following Communication:

STATE OF MAINE  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333

April 22, 1985

Honorable Edwin H. Pert

Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under 34A M.R.S.A., Section 1204, I have today reappointed Rep. Peter Manning to the Maine Correctional Advisory Commission.

Sincerely,  
S/ JOHN L. MARTIN  
Speaker of the House

Was read and ordered placed on file.

**Reports of Committees****Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act to Require Completion of an Education Program in Order to be Eligible to Purchase an Initial Trapping License" (H.P. 527) (L.D. 747)

Signed:

Senators:

MATTHEWS of Kennebec  
USHER of Cumberland

Representatives:

JACQUES of Waterville  
CONNERS of Franklin  
ERWIN of Rumford  
SMITH of Island Falls  
ROTONDI of Athens  
CLARK of Millinocket  
WEYMOUTH of West Gardiner  
GREENLAW of Standish  
DUFFY of Bangor  
WALKER of Norway

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator:

WEBSTER of Franklin

Reports were read.

On motion of Representative Jacques of Waterville, the House accepted the Majority "Ought to Pass" Report, the Bill read once and assigned for Second Reading tomorrow.

**Divided Reports****Later Today Assigned**

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on RESOLVE, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492)

Signed:

Senators:

DANTON of York  
SHUTE of Waldo  
ERWIN of Oxford

Representatives:

CAHILL of Woolwich  
McPHERSON of Eliot  
MOHOLLAND of Princeton  
CALLAHAN of Mechanic Falls

Minority Report of the same Committee Reporting "Ought to Pass" on same Bill.

Signed:

Representatives:

SOUCY of Kittery  
POULIOT of Lewiston

THERIAULT of Fort Kent  
MACOMBER of South Portland  
MILLS of Bethel  
STROUT of Corinth

Reports were read.

Representative Theriault of Fort Kent moved that the House accept the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Minority "Ought to Pass" Report and later today assigned.

**Consent Calendar****First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S.P. 90) (L.D. 270) Bill "An Act to Deorganize Plantation 14" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-51)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, April 24, 1985 under the listing of Second Day.

**Consent Calendar****Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 573) (L.D. 844) Bill "An Act to Increase the Penalties for Stocking Fish in Inland Waters without a Permit" (C. "A" H-77)

(H.P. 282) (L.D. 352) Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of and Addition to the Waldo County Court Facility" (Emergency) (C. "A" H-78)

(H.P. 283) (L.D. 353) Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County to Construct Building to House County Extension Services" (Emergency) (C. "A" H-79)

(S.P. 57) (L.D. 76) Bill "An Act Concerning the Administration of Public Improvements Under the Supervision of the Department of Transportation"

(S.P. 414) (L.D. 1144) Bill "An Act to Amend the Department of Environmental Protection Laws"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers passed to be engrossed as amended and sent up for concurrence.

(H.P. 413) (L.D. 580) Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) (C. "A" H-82)

On objection of Representative Diamond of Bangor, was removed from Consent Calendar, Second Day.

The Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-82) was read and adopted and the Bill assigned for Second Reading tomorrow.

(H.P. 314) (L.D. 403) Bill "An Act to Allow Educational Institutions within the State to Purchase Surplus Property" (C. "A" H-81)

(H.P. 720) (L.D. 1030) Bill "An Act to Amend the Effective Dates of Various Parts of the Education Reforms Enacted in September 1984" (Emergency)

(H.P. 650) (L.D. 920) Bill "An Act Pertaining to the Terms of Members of Transit District Boards"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**Passed to Be Engrossed**

Bill "An Act Concerning Hunting with Bow

and Arrow on Privately Owned Property" (H.P. 950) (L.D. 1348)

Bill "An Act Concerning the Requirement for Licensing Private Investigators" (S.P. 502) (L.D. 1347)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

#### **Consent Calendar**

##### **First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 849) (L.D. 1205) Bill "An Act to Establish the Maine Conservation Corps" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, April 24, 1985 under the listing of Second Day.

#### **Orders of the Day**

The Chair laid before the House the first tabled and today assigned matter:

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (Emergency) (H.P. 928) (L.D. 1333)

TABLED—April 22, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE DIVIDED REPORT—Majority (11) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on Transportation on Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610)

TABLED—April 22, 1985 by Representative THERIAULT of Fort Kent.

PENDING—Motion of the same Representative to Accept the Majority "Ought Not to Pass" Report.

On motion of Representative Theriault of Fort Kent, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

The Chair laid before the House the following matter: Resolve to Name the Wiscasset Bridge the Donald E. Davey Bridge. (H.P. 373) (L.D. 492) which was tabled earlier in the day and later today assigned pending the motion for the Representative from Fort Kent, Representative Theriault, that the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise today as the sponsor of L.D. 492. Donald E. Davey was killed in the line of duty on July 30, 1984 while enroute to an investigation for the Lincoln County Sheriff's Department. Detective Sergeant Davey was an 11 year veteran of the Lincoln County Sheriff's Department. He is survived by his wife Lorinda and their two daughters, Jessica and Cicily.

I will not attempt to paint a picture of Detective Sergeant Davey that enlarges him in death beyond what he was in life. He did not attain great notoriety or fame. He did not solve the great problems of our time. He simply made the largest sacrifice that an individual can make to protect his state and country, he laid down his life. There are those that will say that,

because Detective Sergeant Davey was not a famous man, we should not name the Wiscasset Bridge after him. I say it is time that those in this state who serve the public good behind the scenes and out of the limelight are honored in a way such as this. It is because of Detective Sergeant Davey and people like him that other people are able to attain recognition and fame. I believe those people who quietly go to work every day, who protect our streets and homes, who perform many tasks for the public good, are rarely recognized for their efforts. I ask you then, is it not time that we honor a man such as Detective Sergeant Donald E. Davey in this way?

I simply ask you to act favorably on this Resolve for when we honor Detective Sergeant Davey in this way, we honor the thousands of individuals across the state who, like him, quietly go to work every day.

Thereupon, the Minority "Ought to Pass" Report was accepted, the bill read once and assigned for Second Reading tomorrow.

#### **(Off Record Remarks)**

On motion of Representative Carrier of Westbrook,

Adjourned until nine o'clock tomorrow morning.